

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BENJAMIN COLLIVER,
Charging Party

HRB CASE NO. 0160017

-v-

FINAL AGENCY DECISION

DAL GLOBAL SERVICES, LLC,
Respondent

Charging Party, Benjamin Colliver (Colliver), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability and reasonable accommodation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Colliver's allegations that Respondent, DAL Global Services, LLC, discriminated against Colliver. The Department issued a Notice of Dismissal. Colliver filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 16, 2016. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Benjamin Colliver's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against DAL Global Services, LLC.

DATED this 18th day of May, 2016.

//Ronda Howlett//
Ronda Howlett, Commissioner
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 18th day of May, 2016.

BENJAMIN COLLIVER
1516 39TH STREET SOUTH
GREAT FALLS, MT 59405

DAL GLOBAL SERVICES, LLC
ATTN: LISA BURNS - HUMAN RESOURCES MANAGER
980 VIRGINIA AVENUE 4TH FLOOR
ATLANTA, GA 30354

A handwritten signature in black ink that reads "Annah Howard". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Annah Howard, Legal Secretary
Montana Human Rights Bureau